

AP6 Rec'd PCT/PTO 46 JUN 2006 PCT B

I hereby certify that this paper (along with any paper referred to as being attached below with sufficient postage as First Class Mail, in an envelope addressed to: MS Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: June 21, 2006

Signature: 

(James J. Napoli)

Docket No.: 13015/39003AUS
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Jeffrey Niederst

Application No.: 10/564,900

Filed: January 17, 2006

For: METAL CONTAINERS HAVING AN EASILY
OPENABLE END AND METHOD OF
MANUFACTURING THE SAME

Confirmation No.: 3438

Art Unit: Not Yet Assigned

Examiner: Not Yet Assigned

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

MS Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice to File Missing Parts of Application – Filing Date
Granted mailed June 7, 2006, Applicant respectfully submits a Combined Declaration and
Power of Attorney and Part 2 Copy of Notice.

Our check in the amount of \$130.00 covering the fee set forth in 37 CFR
1.16(f) is enclosed. The Director is hereby authorized to charge any deficiency in the fees
filed, asserted to be filed or which should have been filed herewith (or with any paper

06/30/2006 GFREY1 00000150 10564900

01 FC:1617

130.00 OP

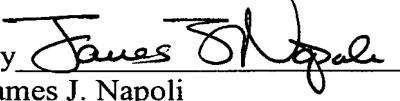
Application No.: 10/564,900

Docket No.: 13015/39003AUS

hereafter filed in this application by this firm) to our Deposit Account No. 13-2855, under Order No. 13015/39003AUS. A duplicate copy of this paper is enclosed.

Dated: June 21, 2006

Respectfully submitted,

By 

James J. Napoli

Registration No.: 32,361

MARSHALL, GERSTEIN & BORUN

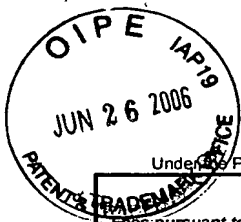
233 S. Wacker Drive, Suite 6300

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Chicago, Illinois 60606-6357

(312) 474-6300

Attorney for Applicant



Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/17 (12-04v2)
Approved for use through 7/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

FEE TRANSMITTAL For FY 2005		Complete if Known	
		Application Number	10/564,900
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Filing Date	January 17, 2006
		First Named Inventor	
		Examiner Name	Not Yet Assigned
		Art Unit	0
TOTAL AMOUNT OF PAYMENT		(\$)	130.00
		Attorney Docket No.	13015/39003AUS

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☐ Deposit Account Deposit Account Number: 13-2855 Deposit Account Name: MARSHALL, GERSTEIN & BORUN

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Multiple Dependent Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
_____	_____	_____	_____	_____	_____	_____
<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>			
_____	_____	_____	_____			

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____	_____	_____ /50 _____ (round up to a whole number) x _____	_____	_____

4. OTHER FEE(S)

	Fees Paid (\$)
Non-English Specification, \$130 fee (no small entity discount)	
Other (e.g., late filing surcharge): <u>1051 Surcharge-Late oath or declaration</u>	<u>130.00</u>

SUBMITTED BY			
Signature	<u>James J. Napoli</u>	Registration No. (Attorney/Agent)	32,361
Name (Print/Type)	James J. Napoli	Telephone	(312) 474-6300
		Date	June 21, 2006

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: June 21, 2006

Signature: James J. Napoli (James J. Napoli)



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/564,900	FIRST NAMED APPLICANT Jeffrey Niederst	ATTY. DOCKET NO. 13015/39003A US
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04743
 MARSHALL, GERSTEIN & BORUN LLP
 233 S. WACKER DRIVE, SUITE 6300
 SEARS TOWER
 CHICAGO, IL 60606

RECEIVED

JUN 13 2006

MARSHALL GERSTEIN

INTERNATIONAL APPLICATION NO.

PCT/US04/22382

I.A. FILING DATE

07/12/2004

PRIORITY DATE

07/28/2003

CONFIRMATION NO. 3438

371 FORMALITIES LETTER



OC000000019136682

Date Mailed: 06/07/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 01/17/2006
- Copy of the International Search Report filed on 01/17/2006
- Copy of IPE Report filed on 01/17/2006
- Copy of Annexes to the IPE filed on 01/17/2006
- Preliminary Amendments filed on 01/17/2006
- U.S. Basic National Fees filed on 01/17/2006
- Priority Documents filed on 01/17/2006
- Specification filed on 01/17/2006
- Claims filed on 01/17/2006
- Abstracts filed on 01/17/2006
- Drawings filed on 01/17/2006

Docketed: 8-7-06

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/564,900	PCT/US04/22382	13015/39003A

FORM PCT/DO/EO/905 (371 Formalities Notice)